

MISC. CIVIL APPLICATION NO. 53 OF 1991.

Date of decision: 6.9.1996.

For approval and signature

The Honourable Mr. Justice S.M. Soni

and

The Honourable Mr. Justice R. R. Jain

Mr. P.K. Shastri, advocate for petitioner.

Mr. Shirish Joshi, advocate for respondent No.1.

Respondent No.2-served.

1. Whether Reporters of Local Papers may be allowed to see the judgment?
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of judgment?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 or any order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

Coram: S.M. Soni & R.R. Jain, JJ.

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September 6, 1996.

Oral judgment (Per Soni, J.)

This application is filed for non-payment of dues of salary in arrears ordered to be paid by Gujarat Affiliated Colleges Service Tribunal in Applications No. 61/89, 63/89, 64/89 and 34/90 dated 12.9.1990.

In view of our judgment in the case of Girish Chandra

Bhatt, reported in 1996 (1) GLH 523, award of the Affiliated Colleges Tribunal is executable under the Civil Procedure Code. Contempt is not a substitute for execution as held by the Supreme Court in the case of the Alahar Cooperative Credit Service Society v. Sham Lal, reported in 1995 (2) GLH 550.

In view of this fact, in our opinion, the petition is not maintainable and is hereby dismissed. Rule is discharged with no order as to costs.